

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAUL L. SEEGOTT, P. J. LUCIER,
JESSEE DIRANDO, STEVEN DERIN,
BRYAN WEBER, JOHN SOMPLE,
THAYNE ALRED, MICHAEL SHAUT,
AND RONALD POSNER,,

Plaintiffs,

vs.

CYBERSTARTS, INC. N/K/A HARBOR
PAYMENTS, INC., FIWARE
HOLDINGS, INC., EDEBT, INC. F/K/A
COLLECTIONS.COM, INC., ASHISH
BAHL, ALEXANDER SMYTHE, AND
LEONARD WALKER,

Defendants.

CASE NO.

NOTICE OF REMOVAL

Defendants Cyberstarts, Inc. n/k/a Harbor Payments, Inc., FiWare Holdings, Inc., Ashish Bahl, Alexander Smythe, and Leonard Walker (collectively “Defendants”) file this Notice of Removal pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b), and 28 U.S.C. § 1446 of that certain case filed in the Court of Common Pleas, Cuyahoga County, Ohio, Case No. 07-CV-618119, and in support of this Notice of Removal, states as follows:

General Requirements

1. This Notice of Removal is based upon diversity jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b).

2. On March 9, 2007, Plaintiffs instituted an action against these Defendants, and also against eDebt, Inc. f/k/a Collections.com, Inc., and Michael Zoldan in the Court of Common Pleas, Cuyahoga County, Ohio, Case No. 07-CV-618119. At the time Plaintiffs filed the action, the action was not removable because Defendant Michael Zoldan (“Zoldan”) was alleged to be a citizen of the State of Ohio.

3. On May 10, 2007, Plaintiffs filed and served a Voluntary Dismissal, Without Prejudice, of Defendant Michael Zoldan (the “Voluntary Dismissal”).

4. This Notice of Removal is being timely filed within one (1) year of the commencement of the action and within thirty (30) days of Defendants having received the Voluntary Dismissal, attached as Exhibit “A”, which is the first pleading served from which Defendants could ascertain that the case is one which had become removable.

5. All Defendants have joined in this Notice of Removal with the exception of eDebt, Inc. f/k/a Collections.com, Inc., which was declared a void corporation by the State of Delaware, Division of Corporations, on or about March 1, 2002 and which is no longer in existence.

6. Venue is proper in the Eastern Division of this Court because the action is being removed from the Court of Common Pleas sitting in Cuyahoga County.

7. Copies of all process, pleadings and other papers previously served on Defendants are attached hereto as Composite Exhibit “B” as required by 28 U.S.C. § 1446.

8. Defendants have filed with the Clerk of the Court of Common Pleas for Cuyahoga County a true and correct copy of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

9. Written notice of the filing of this Notice has been provided to counsel of record for the Plaintiffs as required by law.

Diversity of Citizenship

10. Based upon a fair reading of the complaint, the nature of the claims asserted and the demands made prior to the filing of suit, the amount in controversy in this action, for the individual named plaintiffs, exceeds the sum of Seventy-Five Thousand and no/100 dollars (\$75,000) exclusive of interest, costs and attorney fees, and therefore, the requisite jurisdictional amount, as required by 28 U.S.C. §1441, et seq., and 28 U.S.C. §1332, has been met.

11. Plaintiffs are all citizens of the State of Ohio.

12. Defendants Cyberstarts, Inc. n/k/a Harbor Payments, Inc., and FiWare Holdings, Inc., are both foreign corporations organized and existing under the laws of the State of Delaware with their principal places of business located in the State of Georgia. Neither corporation is a citizen of the State of Ohio for diversity purposes.

13. Defendants Ashish Bahl, Alexander Smythe, and Leonard Walker are all citizens of the State of Georgia.

14. There is complete diversity of citizenship between the parties.

WHEREFORE, Defendants hereby provide notice that the above-captioned civil action now pending in the Court of Common Pleas of Cuyahoga County, Ohio shall be removed to this Court under 28 U.S.C. §§ 1332, 1441 and 1446.

Respectfully submitted this 21st day of May, 2007.

Respectfully submitted,

Donald S. Scherzer (0022315)
dscherzer@ralaw.com
John J. Schrinier (0071491)
jschriner@ralaw.com
Roetzel & Andress, LPA
1375 East Ninth Street
One Cleveland Center
Ninth Floor
Cleveland, OH 44114
Telephone: 216.615-7418
Facsimile: 216.623.0134

OF COUNSEL:

Michael J. King
Georgia Bar No. 421160
Lisa R. Bugni
Georgia Bar No. 143077
GREENBERG TRAURIG LLP
The Forum -- Suite 400
3290 Northside Parkway
Atlanta, Georgia 30327
Tel. (678) 553-2100
Fax. (678) 553-2212

*Attorneys for Defendants Cyberstarts, Inc. n/k/a
Harbor Payments, Inc., Fiware Holdings, Inc.,
Ashish Bahl, Alexander Smythe, and Leonard
Walker*

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a copy of the foregoing **NOTICE OF REMOVAL** by delivering a true and correct copy thereof to the following persons by First Class U.S. Mail addressed to:

Thomas A. Muzilla, Esq.
McCray, Muzilla, Smith & Meyers Co., LPA
260 Burns Road, Suite 150
Elyria, Ohio, 44035

This 21st day of May, 2007.

Donald S. Scherzer

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